



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Dredging – Paradise Cay Yacht Harbor
NUMBER: 26655N

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

DATE: August 25, 2008
RESPONSE REQUIRED BY: September 15, 2008

PERMIT MANAGER: Robert Lawrence; PHONE: (415) 503-6808; E-mail: robert.j.lawrence@usace.army.mil

1. INTRODUCTION: Paradise Cay Yacht Harbor (Yacht Harbor) (through its agent Rick Moseley, Salt River Construction, in Tiburon, California) has requested a modification to its ten year Department of the Army permit to maintenance dredge the Yacht Harbor (including the entrance channel) in Tiburon, Marin County, California. A Public Notice was issued on April 14, 2003 for the original permit. That permit was issued on April 16, 2004 for dredging a total of approximately 84,000 cubic yards (cys) of material over a ten-year period. According to the agent, the amount (84,000 cys) was dredged in episodes from 2004 to 2007. The volume calculations for the original amount (84,000 cys) did not accurately take into account the sedimentation rate in the Yacht Harbor. The requested modification is to increase the volume of the permit by 100,000 cys (total approximately 184,000 cys). The permit expires October 31, 2013. The overall dredge footprint remains unchanged (approximately 9.2 acres). The design depth for the whole marina and the entrance channel remains the same at -9 feet mean lower low water plus an additional 1-foot overdredge allowance. The material would be removed using a clamshell or barge mounted backhoe and removed by barge to the Alcatraz Disposal Site (SF-11), unless a suitable upland disposal site becomes available.

Prior to any dredging episode, the Dredge Material Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO includes representatives from the U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional

Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). The DMMO is tasked with approving sampling and analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material.

2. PUBLIC INTEREST EVALUATION: The decision whether to modify the permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed modification on the public interest. Evaluation of the probable impacts that the proposed modification may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the modification, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

3. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed modification. Any comments received will be considered by the Corps of Engineers to determine whether to modify this permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed modification.

4. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this modification. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to: Mr. Robert Lawrence, Regulatory Division. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Mr. Robert Lawrence of our office at telephone (415) 503-6808 or by e-mail at robert.j.lawrence@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.